

In the United States Court of Federal Claims

No. 19-1907L

(E-Filed: January 24, 2020)

TCHOU TCHOUMA)
TCHOUPITOULAS NATION,)
)
Plaintiff,)
)
v.)
)
THE UNITED STATES,)
)
Defendant.)
)

ORDER

The court stayed this case on January 6, 2020, to allow plaintiff time to retain counsel. See ECF No. 5 (order). On January 21, 2020, the court received two filings from plaintiff: (1) a document titled “Objection to the Stay of Proceedings/Notice of Special Appearance,” and (2) a document titled “Fiduciary Assignment for Plenary Protection to the N.A.A.I.P. per Contractual Agreement.” The clerk’s office stated that the filings were defective for the following reasons: (1) proof of service is missing, pursuant to Rule 5.3 of the Rules of the United States Court of Federal Claims (RCFC); (2) copies are missing, pursuant to RCFC 5.5(d)(2); and (3) there is no provision in the court’s rules to allow for the filing of plaintiff’s submissions. The matter was referred to the undersigned for a ruling.

The first submission appears to be an objection to the court’s order staying this matter. As stated in the court’s January 6, 2020 order, “plaintiff must retain counsel to represent it in this matter because plaintiff is an entity, not an individual.” ECF No. 5 at 1. Because the court’s decision to stay this matter was a ruling that requires plaintiff to comply with this court’s rules to retain counsel, it is not a decision that the court will address again in response to plaintiff’s objection. However, for transparency on the record, the court shall allow for the filing of the objection on the docket in this matter. Plaintiff is reminded that this matter is stayed and no future filings, other than what the court has ordered, shall be filed.

Plaintiff's second submission is titled as a "Fiduciary Assignment for Plenary Protection to the N.A.A.I.P. Per Contractual Agreement." It states, in pertinent part:

I, Hvisha Opa Luski, Principal Chief of the TCHOU THOUAMA TCHOUPITOULAS NATION [Choctaw People of the River], at 1527 GAUSE BLVD #293 Slidell Louisiana Republic; hereby assign the N.A.A.I.P. with Plenary Power of Attorney and appoint Shikoba Hatukchaya Luski, N.A.A.I.P. Member No. 713510999, as Fiduciary and Attorney-In-Fact, to present all pleadings and exhibits in this VERIFIED CLAIM Case No. 1:19-cv-01907-PEC.

The court deems the second submission as plaintiff's motion to substitute, as required under RCFC 83.1(c)(4)(A). However, the court must deny the motion to substitute because Shikoba Hatukchaya is not a member of this court's bar, pursuant to RCFC 83.1(a)(B). As such, this case shall remain stayed to allow plaintiff to retain counsel.

Accordingly, the clerk's office is directed to **FILE** plaintiff's "Objection to the Stay of Proceedings/Notice of Special Appearance," as **plaintiff's opposition to the court's January 6, 2020 order**; and, plaintiff's "Fiduciary Assignment for Plenary Protection to the N.A.A.I.P. Per Contractual Agreement" as **plaintiff's motion to substitute** by leave of the court as of the date of this order. Once filed, plaintiff's motion to substitute is **DENIED** for the above stated reason. The deadlines set forth in the court's January 6, 2020 order remain in full effect.

IT IS SO ORDERED.


PATRICIA E. CAMPBELL-SMITH
Judge